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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/762,637	01/23/2004	Geoffrey Dodge		5279

7590 01/31/2005
GEOFFREY DODGE
BOX 185
SOUTH SALEM, NY 10590

EXAMINER

ROWAN, KURT C

ART UNIT	PAPER NUMBER
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3643

DATE MAILED: 01/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/762,637

Applicant(s)

DODGE, GEOFFREY

Examiner

Kurt Rowan

Art Unit

3643

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Specification

1. The use of the trademark s Budweiser, Coors, Preparation H, and Crest has been noted in this application. It should be capitalized wherever it appears and be accompanied by the generic terminology.

Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner which might adversely affect their validity as trademarks.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1, 4, 8, 11, 12, 13, 14, ^{18, 19} are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In regard to claim 14, the claims must be in single sentence form only. In reference to claim 18, it is not clear what "to real embodiments" means ? In reference to claim 19, it is improper to have Trademarks in the claims.

3. Claim 1 recites the limitation "the smaller of one" in line 3. There is insufficient antecedent basis for this limitation in the claim.

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4. Regarding claim 4, the phrase "preferably" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention.

See MPEP § 2173.05(d).

5. Claim 8 recites the limitation "the name" in line 2. There is insufficient antecedent basis for this limitation in the claim.

6. Claim 11 recites the limitation "the hook" in line 2. There is insufficient antecedent basis for this limitation in the claim.

7. Claim 12 recites the limitation "the open hook end" in line 2. There is insufficient antecedent basis for this limitation in the claim.

8. Claim 12 recites the limitation "the box" in line 3. There is insufficient antecedent basis for this limitation in the claim.

9. Claim 13 recites the limitation "the fishing line" in line 4. There is insufficient antecedent basis for this limitation in the claim.

10. Claim 13 recites the limitation "the pole" in line 4. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

11. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

12. Claims 2, 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Clifford.

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The patent to Clifford shows a fishing hook enclosure with one hinged side joining two sides 32, 33 as shown in Fig. 1. Clifford shows a bendable tongue 71.

13. Claims 1, 2, 3, 4, 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Deutsch et al.

The patent to Deutsch shows a fishing hook or lure enclosure 10 having a hinged side 16 joining two sides 12, 14. Deutsch shows clip 30, 34 that clips the two sides together having a hook 26 on the smaller of the two sides 14. This side can be considered as smaller because of indent 32 for clip 30. Deutsch shows a slot or hole 42 at the opposite end from the hook end.

14. Claims 2-7, 8, 9, 14, 15, 16, 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Medford.

The patent to Medford shows a fishing hook enclosure that encloses a hook or hooks or a lure that they fit inside of. In reference to claim 7, Medford discloses different colors in column 4, lines 43-44.

15. Claims 2-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Casey.

16. The patent to Casey shows a fishing hook and lure holder 10 that mounts on a fishing rod 11 having a rectangular enclosure 15, 20 as shown in Fig. 1

17. Claims 2, 3, 10, 11, 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Beneke.

The patent to Beneke shows a fishing lure and hook holder having a round enclosure 11 that bears a logo 26.

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18. Claims 18-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Chamberlain.

19. The patent to Chamberlain shows a fishing hook enclosure that can safely enclose a hook that looks like a can of Budweiser or Coors.

Claim Rejections - 35 USC § 103

20. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

21. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Casey as applied to claim 2 above, and further in view of Deutsch.

The patents to Casey and Deutsch show fishing hook enclosures as discussed above.

Casey does not show a hook on one end of the enclosure to mount to the fishing rod.

Casey shows a strap 44 that loops around the rod. The patent to Deutsch shows a hook 26 that attaches to a fishing rod eyelet 60 as shown in Fig. 5. In reference to claim 13, it would have been obvious to provide Casey with a hook attachment as shown by Deutsch since merely one equivalent attachment means is being substituted for another and the function is the same.

Conclusion

22. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The patents to Jang, Terry, Vance, Krewson, Tatum, Eriksson,


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Roebuck, Reiter, O'Reilly, Reisner, and Reynolds show other enclosures for holding fishing hooks and lures.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kurt Rowan whose telephone number is 703 308-2321. The examiner can normally be reached on Monday-Thursday 6:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Poon can be reached on 703 308-2574. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Kurt Rowan
Primary Examiner
Art Unit 3643

KR